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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/804,092

03/12/2001

Koji Ishibashi

1924.65303

8987

24978

7590

12/17/2004

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EXAMINER

THOMSON, WILLIAM D

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 12/17/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/804,092

Applicant(s)

ISHIBASHI ET AL.

Examiner

William Thomson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

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DETAILED ACTION

1. Claims 1-10 were examined.

Response to Agreements

35 U.S.C. 112

2. Applicants' are thanked for addressing this issue. The rejection is withdrawn based on the amended claims.

35 U.S.C. 102(b)

3. Applicants' are thanked for addressing this issue. Applicants' arguments regarding citing pieces of the prior art to the claims is persuasive, but insufficient to withdraw from consideration. By applicant's request, the examiner will cite passages from the prior art to the claims. Rejection stands.

Rejections

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter, which the applicant regards as his invention.

5. Claim 1 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase " gathers parameters from

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a plurality of portions" is vague and indefinite. "Portions", in this context, needs clarification.

Claim Rejections - 35 USC § 102

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Henderson et al. (U.S. Patent 5,726,979 (1998)). Henderson et al. teaches a system and method for managing a telecommunications network.

Claim 1. A simulator comprising (column 24, lines 50-59): a parameter gathering unit that gathers parameters from a plurality of portions in a network; a future prediction unit that according to the parameters gathered by said parameter gathering unit predicts a future state in said network over a prescribed length of time (column 2, lines 41-46); a model creation unit that creates a model corresponding to said network (abstract: 2nd last sentence); a parameter application unit that applies the parameter gathered by said parameter gathering unit to the model created by said model creation unit (examiner assumes prior art referring to network parameters: column 2, lines 42-46); and a simulation unit that executes a simulation according to the model created by said model creation unit (obviously, if simulation has failure indicators, it must success indicators:

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column 16, lines 3-7), wherein the parameters include at least one of a topology parameter, which represents a topology of said network, a service rate parameter, which represents a processing speed of said network, a qualitative arrival rate parameter (column 16, lines 17-21), which qualitatively represents how crowded said network is, and a quantitative arrival rate parameter, which quantitatively represents how crowded said network is.

Claim 2. The simulator according to claim 1 (column 24, lines 50-59; abstract: 2nd last sentence; column 16, lines 17-21) further comprising a display unit that displays the result of prediction by said future prediction unit and the result of simulation by said simulation unit.

Claim 3. The simulator according to claim 1, (column 24, lines 50-59; abstract: 2nd last sentence; column 16, lines 17-21) wherein said parameter gathering unit gathers the parameters corresponding to a plurality of segment pairs in said network (column 15, lines 34-51); and wherein said future prediction unit predicts the future state (column 16, lines 2-6) over a prescribed length of time in corresponding relationship to a plurality of the segment pairs.

Claim 4. The simulator according to claim 3, (column 24, lines 50-59; abstract: 2nd last sentence; column 16, lines 17-21; column 15, lines 34-51; column 16, lines 2-6) wherein said display unit displays the result of prediction by said future

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(column 16, lines 3-25), prediction unit that both results of simulation by said simulation unit both results correspond to each of the segment pairs.

Claim 5. (Original) The simulator according to claim 2, (column 24, lines 50-59; abstract: 2nd last sentence; column 16, lines 17-21) wherein said display unit displays (column 16, lines 3-25) whether the result of simulation by said simulation unit satisfies the performance standard of said network that has been set by a user beforehand.

Claim 6. A simulation method (column 24, lines 50-59) comprising the steps of: gathering parameters from a plurality of portions in a network; predicting a future state in said network over a prescribed length of time based on gathered parameters (column 2, lines 41-46); creating a model corresponding to said network; applying the gathered parameters to the created model, (abstract: 2nd last sentence) and wherein the parameters include at least one of a topology parameters which represents a topology of said network, a service rate parameter, which represents a processing speed of said network, a qualitative arrival parameter which qualitatively represents how crowded said network is, and a quantitative arrival rate parameter which quantitatively represents how crowded said network (column 15, lines 34-50).

Claim 7. The simulation method according to claim 6, (column 24, lines 50-59; column 2, lines 41-46; abstract: 2nd last sentence; column 15, lines 34-50) further

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comprising a step of displaying the result of prediction and the result of simulation.

Claim 8. The simulation method according to claim 6, (column 24, lines 50-59; column 2, lines 41-46; abstract: 2nd last sentence; column 15, lines 34-50) wherein parameters are gathered corresponding to a plurality of segment pairs in said network; and future state (column 10, lines 33-47) is predicted over a prescribed length of time in corresponding relationship to a plurality of the segment pairs.

Claim 9. The simulation method according to claim 7, (column 24, lines 50-59; column 2, lines 41-46; abstract: 2nd last sentence; column 15, lines 34-50; column 10, lines 33-47) wherein the result of prediction and the result of simulation are displayed that both results correspond to each of the segment pairs (examiner equates segment and network-to-network: column 14, lines 21-34).

Claim 10. A computer readable medium for storing instructions (column 26, lines 42-47), which when executed on a computer, causes the computer to perform the steps of: gathering parameters from a plurality of portions in a network; predicting a future state (column 2, lines 41-46) in said network over a prescribed length of time based on the gathered parameters (column 15, lines 34-51); creating a model corresponding to said network (abstract); applying the gathered

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parameters to the created model, wherein the parameters include at least one of a topology parameter (column 4, lines 59-61 with figures 5a and 5b), which represents a topology of said network (column 3, lines 42-45), a service rate parameter (column 6, lines 4-15), which represents a processing speed of said network, a qualitative arrival rate parameter, which qualitative represents how crowded said network is, and a quantitative arrival rate parameter, which quantitatively represents how crowded said network is (equate to the behavior of the system: column 6, lines 4-15).

Conclusion

8. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Correspondence Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Thomson whose telephone number is (571) 271-3718, Monday-Friday (8:00 am- 4:30 pm) or contact Supervisor Mr. Kevin Teska at (571) 272-3716. The fax number for the group is 703-308-1396.

Any inquires of general nature or relating to the status of this application should be directed to the Group receptionist whose phone number is (571) 272-1400

December 3, 2004

THS



KEVIN J. TESKA
SUPERVISORY
PATENT EXAMINER